# The Ground Floor AC (LOBBYSISTS)

## Part 1: White Rage

#### [Cunningham] PRIVATE INTERESTS ARE TAKING OVER PUBLIC SCHOOLS – right-wing corporations are paying to undermine racial education and hide injustice.

Cunningham: Cunningham, Maurice. [Chairman of the Political Science Department, University of Massachusetts at Boston; former assistant attorney general in Massachusetts] “The Corporate Critical Race Theory Attack: Chaos is the Product.” MassPoliticsProfs.org, September 3, 2021. <https://www.masspoliticsprofs.org/2021/09/03/the-corporate-critical-race-theory-attack-chaos-is-the-product/> CH

“The backlash” begins an opinion piece in Newsweek by Parents Defending Education outreach director Erika Sanzi, and these may be the most accurate two words published by those who are attacking “wokeness,” gender studies, and Critical Race Theory. The sad fact is that white backlash has a proven record of effectiveness in American politics and it is once again being employed in the service of right wing corporate interests. The end product desired has less to do with CRT than with spreading disruption, fear, and chaos across America’s most important democratic public institution, schools. According to the Washington Post, as of June 24 CRT (a theory developed in law schools and not well known among most Americans) has exploded on Fox News. The term was heard on Fox only 132 times in 2020 but has been mentioned 1,860 times this year, escalating month by month. The narrative is that grassroots parents groups have discovered the threat CRT poses to their children in schools and have arisen organically across the country to form local parent groups, a movement noticed and captured by websites and the powerful Fox News. The truth is that of an oligarch-funded and coordinated campaign using time tested techniques.

He adds:

Coincidentally or not in 2017 the civil rights-proclaiming Ms. Rodrigues and the radical right Ms. Sanzi were partners in another venture named Planet Mom, which featured a podcast and proposed radio show. In her paid position at Education Post Ms. Sanzi wrote of Ms. Rodrigues “I consider her a partner in this work. And a friend.” It’s a small planet, after all. The point is not Critical Race Theory, or charter schools, virtual schools, or home schools. The point is to undermine public education, keep taxes low, spread doubt of the efficacy of public goods, and demolish institutions like unions and local school communities that make demands on the Waltons and Kochs of the nation. It is, as Nancy MacLean has said, to put democracy in chains. Diverse-presenting National Parents Union and white backlash Parents Defending Education serve the same cause. Whither We Are Tending and What to Do About It I hope my colleagues in academia continue to speak out about the intellectual contributions of Critical Race Theory and the fine efforts of K-12 educators to provide the kind of schooling all our students need—open and honest about the nation’s race and history and our ongoing challenges, including corporate promoted white backlash. On the other hand, don’t expect any engagement from Nicole Neily or the anti-CRT bard Christopher Rufo, who has helped spike this ridiculous campaign. In a triumphant appearance at the Claremont Institute, Rufo described his annoyance at scholars trying to bait him into a discussion of what CRT really means and proclaimed “I don’t give a shit about this stuff.” (Nine minute mark) As Isaac Kamola has urged, start with follow the money and pursue that relentlessly. There’s a reason groups like PDE and NPU can’t come clean about their funding sources and amounts and that reason is that they know the public is suspicious of the Kochs and Waltons of the world and what’s more, the public and America’s billionaires are on a different page on policy issues. These are corporate generated right wing attacks. Say it. Name names. Come awake to the threat. Recognize what this is and that isn’t just about wokeness or even education but something else Koch and the Waltons can’t say out loud: to destroy the capacity of people to coalesce together and fight for a better life for themselves, a project that offends oligarchs ideologically and threatens their power and pocketbooks. They focus on education because schools have been a fertile locale for white backlash but also a source of great progress, because teachers unions are a barrier to them, and because local community organizations defy them. That means that teachers unions, school boards, superintendents, principals, lunch workers, school bus drivers, custodians, business, parents and students—everyone who serves their local school community—have to recognize that they need to fight together against this assault. In other words, join together to take action—exactly what the Waltons, Kochs, and other radical right billionaires fear. And stand up for a real education for all our children, not the white(wash) backlash being promoted by phony AstroTurf fronts like Parents Defending Education. Remember, fronts are fronting for someone and in this case, fronting for radical right billionaires. Money never sleeps. Follow the money.

#### [ROJ] The Role of the Judge is to Confront Educational Capitalism, which means they must use the round to reject the use of monetary control over learning.

#### [Casey] And that requires exposing the connections between capitalistic injustice and white supremacy as a means of resisting both.

Casey: Casey, Zachary A. [Associate Professor and Chair of Educational Studies, Rhodes College] “From White Supremacy to Solidarity: A Pedagogy of Anti-capitalist Antiracism.” University of Minnesota, May 2013. https://tinyurl.com/9kavhfr4 CH

Consciousness thus has the function here of working to connect the local and the universal, both what is immediately at hand and the structures, systems, and frames that inform and act on both individuals and groups. The need is for teachers to come to position themselves as conscious political actors, in an inherently political reality, and to draw connections between what they experience in their local contexts and how those experiences inform the larger context in which those experiences take place. For Marx, revolutionary consciousness is tied to an understanding of one’s position in relation to the means of production. When workers understand that the owners of the means of production alienate and dehumanize in the pursuit of profits, that this is fundamentally what capitalism functions to do, they can then articulate their aims for liberation with the understanding that the present economic system denies them their capacity to be fully human. For anti-capitalist antiracist pedagogy, this form of revolutionary consciousness is the product of learning and critical engagement with curricula, as outlined above. This consciousness is premised on the ability to see, in both local and global contexts, the present realities of white supremacy and the ways in which the logics of white supremacy function to legitimate capitalist exploitation. It is this ability to see that consciousness offers, not merely having an abstract principle, but rather a self-appropriated ability to read both the word and world in critical ways. Seeing the connection between local manifestations of white supremacy and global manifestations of capitalist abuse as a part of the same overarching system of signs and meaning is the principle aim for anti-capitalist antiracist pedagogy. Importantly, however, this cannot be thought of as merely an intellectual skill, and further cannot be learned through banking methods. These last two points need to be explained in further detail. Consciousness, and critical consciousness in particular, should be thought of less as an ability, and more of a way of being in the world. We can make rules for finding racism in practice, and we could learn those rules and then always be successful at identifying the racist connotations of a particular phrase or practice. But merely being able to name these processes offers us nothing. Rather, being able to name these processes and understanding their historical, social, and political dimension and the ways in which race and racism intersect in myriad other systems and forms of oppression, offers us the ability to not only understand racism, but to orient our lives in opposition to it. This orientation, this way of being, carries with it the profound capacity to act on oppressive realities because it refuses to take any system or reality as an inevitability. That is, no creation of human beings is devoid of context, and if we can understand capitalism, positivism, and instrumental reason as unnatural, as made by human beings, we are able to position ourselves in relation to these systems in ways that enable us to see cracks in the edifice. Consciousness of our oppressive order and the ways in which it has been created for particular aims is the precondition for radical solidarity.

#### [ROB] Thus, the Role of the Ballot is to Endorse the Debater who Better Ruptures Manifestations of Racial Capitalism. This means voting for the debater who offers the better response to systemic violence of capitalism; we filter material impacts through that lens.

## Part 2: Wrecked & Unchecked

#### [Utrata 1] CASH IS KING – the private space industry spends billions lobbying politicians to benefit companies while sidestepping checks – it’s outsourced colonization.

**Utrata 1:** Utrata, Alina. [Ph.D. candidate, Department of Politics and International Studies at the University of Cambridge; Gates-Cambridge and Marshall scholar] “Lost in Space.” *Boston Review*, July 14, 2021. <https://bostonreview.net/articles/lost-in-space/> MB

In the early years of Blue Origin, Bezos personally funded his company (by selling one billion of Amazon stock per year, he revealed in 2017) and initially focused on space tourism as a potential source of revenue, as well as a way—he claimed—to acclimate people to the idea of space travel. But Bezos watched as Musk’s SpaceX quickly eclipsed his company, both in size and success. Musk had funded SpaceX through a combination of venture capital investment and billions in government contracts. While Blue Origin has never launched a rocket that achieved orbit, SpaceX has been flying NASA cargo to the International Space Station since 2012. Bezos and Musk spend millions of dollars lobbying Congress to continue funding their projects, which already receive massive amounts of public money through government contracts. When Tesla received a $1.3 billion tax break to open a battery plant in Nevada in 2014, Bezos sent off an email to a fellow Amazon executive asking why Musk had been so successful at securing big government incentives. But now Bezos has nothing to complain about. Blue Origin routinely competes with SpaceX for contracts, and both companies spend millions lobbying Congress to continue funding these projects. After SpaceX initially won a contract to build a lunar lander, a short-lived amendment to the Endless Frontier Act which would have authorized $10 billion to NASA’s moon program and established a second award was even briefly nicknamed the “Bezos Bailout.” It is true that Musk has a particular talent for securing government funding across his business ventures. In her book The Entrepreneurial State (2013), Mariana Mazzucato debunks the notion that free markets and small states, rather than government investment in technological innovation, create economic success. She documents how Musk’s companies SpaceX, Tesla, and SolarCity have received billions in government support, including grants, tax breaks, and subsidized loans. On top of that, they have also secured billions more in procurement contracts and direct investments in new technologies from NASA and the Department of Energy. (This government support is not marginal. Tesla only had its first full-year profit in 2020, although Musk has accumulated much of his personal fortune through ownership of the company’s stock.) But this outsourcing of colonization efforts to private corporations is not just a feature of the neoliberal state; corporations have long been embedded in the history of colonization. In the early days of colonization, though companies’ home states often provided them money and legitimacy for their ventures overseas, governments did not always tightly control these endeavors. For instance, the British East India Company—a “company-state,” as coined by Philip Stern—maintained armed forces, waged and declared war, collected taxes, minted coin, and at one point “ruled” over more subjects than the British state itself. As J. C. Sharman and Andrew Phillips noted in Outsourcing Empire: How Company-States Made the Modern World (2020), “in some cases, company-states came to wield more military and political power than many monarchs of the day.” Today states, not corporations, are perceived to be the truly dangerous actors in space exploration. But corporations have long been embedded in the history of colonization. Company-states were predicated on an understanding of sovereignty as divisible and delegatory, defying what we today consider “public” and “private” power. Compared to company-states at their zenith, even the largest modern-day multinational corporation—and certainly SpaceX and Blue Origin—has significantly less authority, with absolutely no military might to speak of. The monarchies that first granted monopoly charters to these voyaging companies, having evolved into modern states, have also consolidated sovereign authority and gained far more power than their antecedents in previous centuries. Today states, not corporations, are perceived to be the truly dangerous actors in space exploration. Particularly in the context of worsening U.S.-China relations, the militarization of space by states is often posited as the most likely way that celestial encounters may become violent. On this view, if private U.S. companies were to extract commercial resources from asteroids, it would be a much more peaceful prospect than the U.S. Space Force establishing a military base on the moon. However, this framing ignores corporations’ violent histories and the deep connection between private commercial pursuits and systems of capitalism and colonialism. Moreover, though states may help create and participate in these systems, they do not always control the forces they unleash. For example, there was nothing inevitable about the fact that the East India Company came under the control of the British state. Even when it did, it caused devastating impacts on both the places it claimed to “rule” as well as the state that had chartered and owned it, ushering in the age of the British Empire. As historian William Dalrymple, author of The Anarchy: The Relentless Rise of the East India Company (2019), noted, “It was not the British government that seized India at the end of the 18th century, but a dangerously unregulated private company. . . [that] executed a corporate coup unparalleled in history: the military conquest, subjugation and plunder of vast tracts of southern Asia. It almost certainly remains the supreme act of corporate violence in world history.”

#### [Shammas & Holen] And private entities can’t appropriate space without state support – they’re inextricably linked.

**Shammas & Holen:** Shammas, Victor L. [Oslo Metropolitan University, Work Research Institute, AFI] and Tomas B. Holen [Independent scholar, Oslo, Norway]. “One giant leap for capitalistkind: private enterprise in outer space.” *Palgrave Communications* 5 (1), 2019. researchgate.net/publication/330712900\_One\_giant\_leap\_for\_capitalistkind\_Private\_enterprise\_in\_outer\_space MB/CH

What role, then, for the state? The frontiersmen of NewSpace tend to think of themselves as libertarians, pioneers beyond the domain of state bureaucracy (see Nelson and Block, 2018). ‘The government should leave the design work and ownership of the product to the private sector', the author of a 2017 report, Capitalism in Space, advocates. ‘The private companies know best how to build their own products to maximize performance while lowering cost' (Zimmerman, 2017, p. 27). One ethnographer notes that ‘politically, right-libertarianism prevails' amongst NewSpace entrepreneurs (Valentine, 2016, p. 1047–1048). Just as Donald Rumsfeld dismissed the opponents to the Iraq War as ‘Old Europe', so too are state entities’ interests in space exploration shrugged off as symptoms of ‘Old Space'. Elon Musk, we are told in a recent biography, unlike the sluggish Big State actors of yore, ‘would apply some of the start-up techniques he’d learned in Silicon Valley to run SpaceX lean and fast…As a private company, SpaceX would also avoid the waste and cost overruns associated with government contractors' (Vance, 2015, p. 114). This libertarianism-in-space has found a willing chorus of academic supporters. The legal scholar Virgiliu Pop introduces the notion of the frontier paradigm (combining laissez-faire economics, market competition, and an individualist ethic) into the domain of space law, claiming that this paradigm has ‘proven its worth on our planet' and will ‘most likely…do so in the extraterrestrial realms' as well (Pop, 2009, p. vi). This frontier paradigm is not entirely new: a ‘Columbus mythology', centering on the ‘noble explorer', was continuously evoked in the United States during the Cold War space race (Dickens and Ormrod, 2016, pp. 79, 162–164). But the entrepreneurial libertarianism of capitalistkind is undermined by the reliance of the entire NewSpace complex on extensive support from the state, ‘a public-private financing model underpinning long-shot start-ups' that in the case of Musk’s three main companies (SpaceX, SolarCity Corp., and Tesla) has been underpinned by $4.9 billion dollars in government subsidies (Hirsch, [2015](https://www.nature.com/articles/s41599-019-0218-9#ref-CR29)). In the nascent field of space tourism, Cohen ([2017](https://www.nature.com/articles/s41599-019-0218-9#ref-CR8)) argues that what began as an almost entirely private venture quickly ground to a halt in the face of insurmountable technical and financial obstacles, only solved by piggybacking on large state-run projects, such as selling trips to the International Space Station, against the objections of NASA scientists. The business model of NewSpace depends on the taxpayer’s dollar while making pretensions to individual self-reliance. The vast majority of present-day clients of private aerospace corporations are government clients, usually military in origin. Furthermore, the bulk of rocket launches in the United States take place on government property, usually operated by the US Air Force or NASA. [Footnote 13](https://www.nature.com/articles/s41599-019-0218-9#Fn13) This inward tension between state dependency and capitalist autonomy is itself a product of neoliberalism’s contradictory demand for a minimal, “slim” state, while simultaneously (and in fact) relying on a state reengineered and retooled for the purposes of capital accumulation (Wacquant, [2012](https://www.nature.com/articles/s41599-019-0218-9#ref-CR68)). As Lazzarato writes, ‘To be able to be “laissez-faire”, it is necessary to intervene a great deal' ([2017](https://www.nature.com/articles/s41599-019-0218-9#ref-CR36), p. 7). Space libertarianism is libertarian in name only: behind every NewSpace venture looms a thick web of government spending programs, regulatory agencies, public infrastructure, and universities bolstered by research grants from the state. SpaceX would not exist were it not for state-sponsored contracts of satellite launches. Similarly, in 2018, the US Defense Advanced Research Projects Agency (DARPA)—the famed origin of the World Wide Web—announced that it would launch a ‘responsive launch competition', meaning essentially the reuse of launch vehicles, representing an attempt by the state to ‘harness growing commercial capabilities' and place them in the service of the state’s interest in ensuring ‘national security' (Foust, [2018b](https://www.nature.com/articles/s41599-019-0218-9#ref-CR18)). This libertarianism has been steadily growing in the nexus between Silicon Valley, Stanford University, Wall Street, and the Washington political establishment, which tend to place a high value on Randian ‘objectivism' and participate in a long American intellectual heritage of individualistic ‘bootstrapping' and (allegedly) gritty self-reliance. But as Nelson and Block ([2018](https://www.nature.com/articles/s41599-019-0218-9#ref-CR46), p. 189–197) recognize, one of the central symbolic operations of capitalistkind resides in concealing its reliance on the state by mobilizing the charm of its entrepreneurial constituents and the spectacle of space. There is a case to be made for the idea that SpaceX and its ilk resemble semi-private corporations like the British East India Company. The latter, “incorporated by royal charter from Her Majesty Queen Elizabeth I in 1600 to trade in silk and spices, and other profitable Indian commodities,” recruited soldiers and built a ‘commercial business [that] quickly became a business of conquest' (Tharoor, [2017](https://www.nature.com/articles/s41599-019-0218-9#ref-CR59)). SpaceX, too, is increasingly imbricated with an attempt on the part of a particular state, the United States, to colonize and appropriate resources derived from a particular area, that of outer space; it, too, depends on the infrastructure, contracts, and regulatory environment that thus far only a state seems able to provide. Its private character, like that of the East India Company, is troubled by being deeply embedded in the state. As one commentator has observed of SpaceX, ‘If there’s a consistent charge against Elon Musk and his high-flying companies…it’s that they’re not really examples of independent, innovative market capitalism. Rather, they’re government contractors, dependent on taxpayer money to stay afloat' (cit. Nelson and Block, 2018, p. 189).

#### [Utrata 2] THAT MEANS REGULATION FAILS – states won’t control the companies they’re in bed with, since that costs them profits.

**Utrata 2:** Utrata, Alina. [Ph.D. candidate, Department of Politics and International Studies at the University of Cambridge; Gates-Cambridge and Marshall scholar] “Lost in Space.” *Boston Review*, July 14, 2021. <https://bostonreview.net/articles/lost-in-space/> CH

Particularly in the context of worsening U.S.-China relations, the militarization of space by states is often posited as the most likely way that celestial encounters may become violent. On this view, if private U.S. companies were to extract commercial resources from asteroids, it would be a much more peaceful prospect than the U.S. Space Force establishing a military base on the moon. However, this framing ignores corporations’ violent histories and the deep connection between private commercial pursuits and systems of capitalism and colonialism. Moreover, though states may help create and participate in these systems, they do not always control the forces they unleash. For example, there was nothing inevitable about the fact that the East India Company came under the control of the British state. Even when it did, it caused devastating impacts on both the places it claimed to “rule” as well as the state that had chartered and owned it, ushering in the age of the British Empire. As historian William Dalrymple, author of The Anarchy: The Relentless Rise of the East India Company (2019), noted, “It was not the British government that seized India at the end of the 18th century, but a dangerously unregulated private company. . . [that] executed a corporate coup unparalleled in history: the military conquest, subjugation and plunder of vast tracts of southern Asia. It almost certainly remains the supreme act of corporate violence in world history.” As contemporary companies set out to colonize space, we should ask whether modern states have a better grasp on how to control corporations and the violence that may result from battles over who ought to rule these settlers and resources. Though Blue Origin and SpaceX are indebted to the U.S. government for funding, U.S. regulators’ ability to manage these corporations—especially Musk’s—already appears limited. Musk’s remarks toward U.S. regulators, even those investigating him, are infamous for being outrageous and crude—and his behavior is no less intransigent. For instance, in December of last year, SpaceX refused to comply with Federal Aviation Association (FAA) orders to abort a high-altitude test launch of its Starship rocket after the agency revoked its launch license due to atmospheric conditions. And this was not the first time Musk defied government authority. In May 2020 he re-opened his Tesla factory despite an Alameda county health order to shelter in place due to the COVID-19 pandemic, requesting on Twitter that police “only arrest him” if law enforcement took action. His companies have been repeatedly investigated and fined for various other regulatory and safety violations. (Reports have claimed that the Tesla factory does not have proper hazard signage because Musk “does not like the color yellow.”) Is it simply the case that Musk, like many powerful men before him, receives preferential treatment from the state? Or are the state and its regulatory agencies truly unable to control him? Colonial destruction was justified by a specific ideology that made a certain view of the world, and humanity’s role in it, appear natural and inevitable. Musk, for his part, does not seem particularly cowed. After the December rocket launch incident, the FAA announced that additional measures, including having an FAA inspector on site, will be imposed on SpaceX during future launches. In response Musk tweeted on January 28 that the FAA “rules are meant for a handful of expendable launches per year from a few government facilities. Under those rules, humanity will never get to Mars.” For Musk, becoming an inter-planetary species is an existential matter for human civilization, far more important than rules and regulations. Both Bezos and Musk use the language of moral imperative when talking about space colonization: humanity must not merely explore space, but settle it, too. The two engineers can easily explain the technical dimensions of their plans to colonize the cosmos. Though these plans differ—Bezos wants to establish artificial tube-like structures floating close to Earth, whereas Musk wants to terraform Mars—the political philosophies underpinning them are remarkably similar. Both offer utopian visions of humanity in space that attempt to provide technological solutions to the political problems that colonialism and capitalism have caused.

## Thus, I affirm:

#### [Skibba 1] Resolved: The appropriation of outer space by private entities is unjust. I defend implementation of the topic through a coordinated treaty that bars ownership of space for commercial gain, modeled on the Antarctic Treaty of 1961.

Skibba 1: Skibba, Ramin. [Space writer at WIRED Magazine; astrophysicist; science writer and freelance journalist based in San Diego] “It’s time for a new international space treaty.” Salon.com, July 26, 2021. <https://www.salon.com/2021/07/26/its-time-for-a-new-international-space-treaty_partner/> CH

The Biden administration has so far focused its space policy not on treaties but on "norms," non-legally binding principles that they hope will evolve into international agreements with teeth. But it's hard to imagine that enforceable international space policies will be adopted unless Biden explicitly and enthusiastically calls for them, while urging Russian and Chinese leaders to do the same. More likely, whatever endeavors the space industry and military decide to pursue will retroactively become policy. This is already playing out in debates about the private harvesting of resources from the moon and asteroids, the types of spacecraft companies can put in orbit, and the kinds of space and anti-satellite weapons militaries can develop. If we were to design a new space treaty that would preserve space primarily as a place for exploration and collaboration rather than for war and commercial gain, what would it look like? It would coordinate travel and limit traffic in busy orbits in the atmosphere while also taking steps to limit the creation of space debris. (Cleaning up the mess already clogging low-Earth orbit is another story entirely.) It would also build on the Moon Agreement, prohibiting the deployment and testing of weapons — including electronic weapons — in the atmosphere. And it would prohibit deploying and testing any weapons in space, not just on the moon or other celestial bodies. It would create an independent, international organization to review proposals for mining resources and establishing colonies on the moon, Mars, and beyond. This sounds ambitious — and it is — but it's achievable. The Antarctic Treaty of 1961 enshrines many of the same principles for activity on Antarctica, and it still works six decades later. Public opinion on space seems to be shifting, too, with growing calls to jettison colonialist views of space exploration in favor of more egalitarian approaches. If scientists, non-governmental groups, space environmentalists, and other stakeholders put pressure on the Biden administration, it could become politically feasible for the president to take a stand and jumpstart space diplomacy with the U.S.'s rivals. To the extent that it would help make space exploration sustainable, peaceful, and beneficial to all humanity, it would be worth the cost in political capital. We only have one atmosphere, one moon, and one night sky to cherish.

## Part 3: Do It Now

#### [Skibba 2] THE TIME HAS COME – global action is key for any hope of change, and existing rules are vastly outdated.

Skibba 2: Skibba, Ramin. [Space writer at WIRED Magazine; astrophysicist; science writer and freelance journalist based in San Diego] “It’s time for a new international space treaty.” Salon.com, July 26, 2021. <https://www.salon.com/2021/07/26/its-time-for-a-new-international-space-treaty_partner/> CH

SPACE IS MUCH BUSIER than it used to be. Rockets are launching more and more satellites into orbit every year. SpaceX, the private company founded by Elon Musk, blasted more than 800 satellites into space in 2020 alone. Extraterrestrial tourism is about to take off, led by space barons Musk, Jeff Bezos, and Richard Branson, two of whom have already taken their first private space outings. The frenetic activity of space agencies and space companies around the world will extend beyond Earth’s atmosphere, too. Within a few years, the moon will see many more landers, rovers, and even boots on the lunar ground. So will Mars and eventually, perhaps even some asteroids. It’s an exciting time, but also a contentious one. An arena once dominated by the U.S. and Russia has seen the arrival of China and numerous other countries, with several nations establishing both a scientific and military presence in space. A burgeoning space industry, mostly led by U.S.-based companies, is angling for opportunities to monetize Earth-observing satellites, expensive visits to the edge of space, and trips to the moon with robotic and human passengers. Space junk clutters the atmosphere. Rival countries and companies hurtle satellites through the same orbits, and they eye the same key spots on the moon where water could be harvested from ice. Anti-satellite weapons tests by China and India that have flung debris into orbit illustrate just how precarious space is. All that is to say, things have changed considerably in the more than half century since international space diplomats hammered out the Outer Space Treaty, the agreement that continues to serve as the world’s basic framework on international space law. Before space conflicts erupt or collisions in the atmosphere make space travel unsustainable — and before pollution irreversibly tarnishes our atmosphere or other worlds — we need a new international rulebook. It’s time for the Biden administration to work with other space powers and negotiate an ambitious new space treaty for the new century. The Outer Space Treaty was deliberately written ambiguously. It outlaws nukes and other weapons of mass destruction being deployed in space, but makes no mention of lasers, missiles, and cyber weapons. The accord appears to ban private property in space and states that no nation can claim a piece of space or lunar territory as their own, but it does not explicitly restrict the extraction of resources like water and minerals. The Moon Agreement, which went into force in 1984, went further. It states that countries are required to inform others if they have spacecraft entering the same orbit. It declares that the exploration and use of the moon must be done for the benefit of everyone. Under the agreement, Moon explorers have to take care of the lunar environment as well. And importantly, it forbids the claiming of extraterrestrial resources as property. However, only 18 countries are party to the sweeping treaty, none of them space-faring nations. In recent years, policies on space law have taken an industry-friendly turn, particularly in the U.S. The Obama administration signed the U.S. Commercial Space Launch Competitiveness Act of 2015, also known as the Space Act, which, in theory, allows American companies to mine the moon and other celestial bodies however they wish and to keep the resources. Other countries, like Luxembourg, have followed suit.

#### [Skibba 3] AND we need new tools to rupture the public-private connection – companies exploit the lack of existing checks.

Skibba 3: Skibba, Ramin. [Space writer at WIRED Magazine; astrophysicist; science writer and freelance journalist based in San Diego] “It’s time for a new international space treaty.” Salon.com, July 26, 2021. <https://www.salon.com/2021/07/26/its-time-for-a-new-international-space-treaty_partner/> CH

It states that countries are required to inform others if they have spacecraft entering the same orbit. It declares that the exploration and use of the moon must be done for the benefit of everyone. Under the agreement, Moon explorers have to take care of the lunar environment as well. And importantly, it forbids the claiming of extraterrestrial resources as property. However, only 18 countries are party to the sweeping treaty, none of them space-faring nations. In recent years, policies on space law have taken an industry-friendly turn, particularly in the U.S. The Obama administration signed the U.S. Commercial Space Launch Competitiveness Act of 2015, also known as the Space Act, which, in theory, allows American companies to mine the moon and other celestial bodies however they wish and to keep the resources. Other countries, like Luxembourg, have followed suit. In 2020, the Trump administration went further, proposing the industry-friendly Artemis Accords, an attempt to further push the case for granting companies property rights in space. The accords comprised bilateral agreements with just 12 countries — notably without Russia and China, and without the involvement of the United Nations or any other international institution — putting them outside international space law. More than half a century after humans first set foot on the moon, there remains no clearly established, agreed-upon rules governing space activity. In the absence of such a framework, the U.S. has embraced a de facto “launch first and ask questions later” strategy. The lack of international cooperation is one reason engineers were so caught off guard in 2019, when satellites launched by SpaceX and the European Space Agency nearly crashed into one another. Experts in space law can’t even agree on major questions such as what kind of responsibility space actors have to keep space clean and uncontaminated with debris, as there’s really no framework in place. The Biden administration has so far focused its space policy not on treaties but on “norms,” non-legally binding principles that they hope will evolve into international agreements with teeth. But it’s hard to imagine that enforceable international space policies will be adopted unless Biden explicitly and enthusiastically calls for them, while urging Russian and Chinese leaders to do the same. More likely, whatever endeavors the space industry and military decide to pursue will retroactively become policy. This is already playing out in debates about the private harvesting of resources from the moon and asteroids, the types of spacecraft companies can put in orbit, and the kinds of space and anti-satellite weapons militaries can develop. More than half a century after humans first set foot on the moon, there remains no clearly established, agreed-upon rules governing space activity.